

Summary of Information Provided on Impact of the Health Insurance Portability and Accountability Act (HIPAA) on Cancer Reporting

FROM: Nancy S. Weiss, M.P.H., Ph.D., Director, Texas Cancer Registry

DATE: July 16, 2002

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) became law on April 14, 2001. The HIPAA Privacy Rule governs the use and disclosure of individually identifiable health information and it applies to all health care providers who transmit certain health claim information electronically. While most organizations have until April 14, 2003, to comply, questions regarding how this new law impacts cancer reporting have arisen.

HIPAA regulations only minimally impact current state cancer reporting procedures. Specifically, **HIPAA allows for the reporting of identifiable cancer data to public health entities. Because the Texas Cancer Registry (TCR) falls under the definition of a public health entity, HIPAA allows cancer reporting facilities to continue reporting data to us in compliance with the Texas Cancer Incidence Reporting Act (Chapter 82 of the Health and Safety Code). Written informed consent from each cancer patient reported to public health entities is not required under HIPAA; rather hospitals and other health care practitioners must simply document that the reporting has occurred.**

Patient confidentiality is not compromised by the HIPAA law changes. The TCR will continue to secure all confidential patient information in our database records. In summary, the HIPAA Privacy Rule provides no basis for health care providers to stop reporting cancer information to the Texas Cancer Registry, Texas Department of Health.

FROM: Texas Department of Health, HIPAA Privacy Officer

DATE: May 14, 2002

SUBJECT: Disclosures to Public Health Authority Under the HIPAA Privacy Rule

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule governs the use and disclosure of individually identifiable health information. The rule applies to health plans, health care clearinghouses, and health care providers who transmit certain health claims information electronically. These entities are covered entities under the privacy rule, and must comply by April 14, 2003.

In the rules adopted in Title 45 Code of Federal Regulations (C.F.R.) Parts 160 and 164, section 164.512 addresses the uses and disclosures for which consent or authorization is not required. Section 164.512(a) permits disclosures that are required by law:

“(1) A covered entity may use or disclose protected health information to the extent that such use or disclosure is required by law and the use or disclosure complies with and is limited to the relevant requirements of such law.”

Section 164.512(b) permits disclosures to public health authorities for public health activities and purposes:

“(1) *Permitted disclosures.* A covered entity may disclose protected health information for the public health activities and purposes described in this paragraph [§164.512(b)(1)] to:

- (i) A public health authority that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions. . . .”

As shown above, the HIPAA Privacy Rule provides no basis for health care providers to stop reporting cancer to TDH. Providers are required by Texas law to report to the Cancer Registry, and TDH is authorized by law to collect or receive such information.

FROM: North American Association of Central Cancer Registries

DATE: February 26, 2002

SUBJECT: HIPAA Interpretations

For the most recent information regarding HIPAA; please click on this link. Any revisions concerning HIPAA interpretations are updated on the Frequently Asked Questions (FAQ's) at this site.

<http://www.naaccr.org/Training/files/FAQsRegardingHIPAAandCancerRegistries.pdf>